



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,879	11/30/2001	Martin Welt	056276-5003	2760

9629 7590 08/19/2005

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

DASS, HARISH T

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,879

Applicant(s)

WELT, MARTIN

Examiner

Harish T. Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 28 and 55, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hodson et al* (hereinafter *Hodson* – PG PUB US 2002/0052806 A1) in view of Modern Purchasing, "The Web advantage: Grand & Toy's powerful Internet-based solution [Advertising supplement]", Toronto: Jul/Aug 2000. pg. S1 (hereinafter Grand & Toy's).

Re. Claims, 1 and 28, *Hodson* discloses an integrated shopping cart website for products and services from affiliated vendors [see entire document particularly, Abstract; Figures; page1 paragraph (or para.) 0001 to Page 3 para. 0021; page13-17 claims].

(a) aggregating product information from each of a plurality of vendors into a common display format [Abstract; Figures 1-3, 13; page 2 para. 0016; claims 2-3];

(b) in response to receiving identification information from an Internet-enabled computing device (buyer computer), the web site sending the computing device a graphical user interface showing a list of departments or product categories for which a buyer is authorized to make purchases (appropriate website if necessary) [Fig. 1; page

Art Unit: 3628

2 para. 0003, 0015; page 12 para. 0128-0130; figure 1 # 108 (client computer/buyer computer, enabling computing device));

(c) upon receipt of a selection of a product category or department from the computing device, the web site sending the computing device a list of vendors that have authorized products corresponding to the selected department or category [para. 0042]; and

Hodson does not explicitly disclose (d) upon receipt of a selection of a vendor, the web site sending the computing device that vendor's list of approved products corresponding to the selected department or category. However, Grand & Toy's discloses this feature [see entire document 10 pages particularly Abstract; pages 3-5, 6 paragraphs 12-17 (the supply chain or vendor makes available list of approved vendors product since they are previously approved by the buyer)] in order to cut the costs in half by streamlining or eliminating their old purchasing practice such as: selection of approved product, writing purchase order, transmitting, etc. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of *Hodson* and include upon receipt of a selection of a vendor, the web site sending the computing device that vendor's list of approved products corresponding to the selected department or category, as disclosed by Grand & Toy's in order to direct the user (buyer) to feature or product they are looking for from an approved vendor.

Re. Claim 55, claim 55 is substantially similar to claims 1 and 28, therefore it is rejected with same rational as claims 1 and 28.

Claims 2-13, and 29-40, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hodson* and Grand & Toy's, as applies to claims 1 and 28, and further in view of *Fischer* (PGPUB US 2002/0010638).

Re. Claim 2, *Hodson* discloses the web site receiving the order from the computing device, wherein the order specifies a plurality of order parameters including the identity of the product and the quantity desired [page 4 para. 0044]. Neither *Hodson* nor Grand & Toy's explicitly disclose the computing device receiving an order for one or more approved products. However, *Fischer* discloses this feature [Abstract; Figure 2; page 1 para. 0005, page 2 para. 0017-0021] to complete the order in less time. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of *Hodson* and Grand & Toy's and include receiving an order for approved product, as disclosed by *Fischer*, to process the order fast and efficiently.

Re. Claim 3, *Hodson* discloses including the step of the web site forwarding the order to the selected vendor for fulfillment [page 2 para. 0015-0016].

Re. Claim 4, *Hodson* discloses including the step of the web site receiving order tracking information pertaining to a tracking of shipment of the order from the vendor to the buyer [para. 0058].

Re. Claims 5-11, *Hodson* discloses user identifier enables the system to determine whether a user is logged onto a particular vendor's account management system [para, 0042], and *Fischer* further discloses log onto website, level of privacy and security [paragraphs 0003, 0026. 0042] to enable user to log onto the website for placing order. Neither *Hodson* nor *Grand & Toy's* or *Fischer* discloses steps of providing each of a plurality of buyers with one or more Internet-enabled computing devices, and associating each of a plurality of buyers with a corresponding privilege level, including the step of the web site providing a first privilege level which allows the buyer to view the identities and descriptions of approved vendor products, a second privilege level which allows the buyer to view identities and descriptions as well as price information, providing a third privilege level which allows the buyer to view the orders and purchases of other buyers in the same product category or department, a fourth privilege level which allows the buyer to view all orders and purchases made by all buyers at a given location or facility, and a fifth privilege level which allows the buyer to view all purchases made by all buyers at all facilities of a given buyer company, and including the step of the web site providing a super-administrative privilege level which allows an administrator to implement at least one of acquisition, aggregation, analysis, and examination of data pertaining to a plurality of buyer or vendor transactions. However, to one skill in the art of network administration, assigning users privilege level to access certain part of network directories/software are well known in network area, where central computer (main frame computer, NT) administrator assigns who can access files

Art Unit: 3628

and use certain tool based on log in ID. For example in Unix work stations the permission levels are rwx (r) read, (w) write and (x) execute, where these three permissions apply to three different groups, which are called owner, group and other and each one of these groups needs its access permission correctly set in order for the file to be used and accessed, if a group is allowed to see the catalogs only the rwx will be assigned 100 or 4, owner/administrator all (7) and others none (0), it will be 740 or file with permission level 777 open to every one. Similarly in windows, the login allows user to share files and access to user's directories. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of *Hodson*, *Grand & Toy's* and *Fischer* ad include privilege levels to groups to permit them to access appropriate files.

Re. Claims 12-13 Neither *Hodson* nor *Grand & Toy's* or *Fischer* explicitly discloses including the step of the web site assigning every buyer order a unique order number that includes information identifying the year, month, day, and hour that the order was placed and assigning a first incoming buyer order received during a particular year, month, day, and hour, a first sequence number, and the second incoming buyer order received during this particular year, month, day and hour, a second sequence number, wherein the first and second incoming buyer orders could, but need not, be from the same buyer. However, these steps are well-known to properly manage customer's account when an order is placed online or on-phone, the supplier assigns an order number to each order and may provide specific number to business customer (account

Art Unit: 3628

number), and date/time the order is placed. The order number is used for subsequent communication (which are serially assigned) such as: sending invoice, payment, resolve disputes, shipping and back track the purchase order in case the purchase order is not properly filed or missing an item. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures of *Hodson*, *Grand & Toy's* and *Fischer* and include assigning customer account number and confirmation number (purchase order number) to properly manage the shipment of purchased item(s).

Re. Claim 29, it is rejected with same rational as claim 2.

Re. Claim 30, it is rejected with same rational as claim 3.

Re. Claim 31, it is rejected with same rational as claim 4.

Re. Claim 32, it is rejected with same rational as claim 5.

Re. Claim 33, it is rejected with same rational as claim 11.

Re. Claim 34, it is rejected with same rational as claim 6.

Re. Claim 35, it is rejected with same rational as claim 7.

Re. Claim 36, it is rejected with same rational as claim 8.

Re. Claim 37, it is rejected with same rational as claim 9.

Re. Claim 38, it is rejected with same rational as claim 10.

Re. Claim 39, it is rejected with same rational as claim 12.

Re. Claim 40, it is rejected with same rational as claim 13.

Art Unit: 3628

Claims 20-27 and 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hodson*, Grand & Toy's as applies to claims 1 & 28 above, and further in view of Lucas (PGPUB US 2001/0051905).

Re. Claims 20-27 Neither *Hodson* nor Grand & Toy's explicitly discloses providing ordering and shipment tracking capabilities from a single integrated business-to-business website, programming the business-to-business website to automatically download information from a second website operated by or on behalf of a courier or shipping company, including the step of the business-to-business website accessing the second website, periodically and/or in response to a request, to retrieve information about a specified buyer order, including the step of the website automatically placing an order for a buyer in response to the buyer's inventory dropping below a predetermined threshold, including the step of, for each of a plurality of authorized vendor products, using an electronic inventory control system at the buyer's store or chain of stores to keep track of retail customer sales, including the step of the business-to-business website, on a repeated or periodic basis, comparing retail consumer sales against inventory to determine stock on hand, including the step of, in response to inventory or stock on hand dropping below a predetermined threshold, establishing a communications link between the electronic inventory control system and the business-to-business website, such that a product identifier and buyer identifier are received at the website, and including the step of, in response to the receipt of a product identifier and a buyer identifier, the website automatically placing an electronic order for the

Art Unit: 3628

authorized product from a vendor. However, Lucas discloses the inventory management stated above (Claims 14-15 and 19-26) [Abstract; paragraphs 0007-0019, 0026, 0029-0030, 0035, 0049-0058, 0069-0072, 0110 and 0121] to utilize web-enabled technologies to revolutionize inventory management by tracking inventory and automatically replenish the inventory when additional supplies are needed. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of *Hodson*, and Grand & Toy's and include inventory management features, as taught by Lucas, to atomize inventory management using web-enabled technologies such as Internet communication, URL and web-pages.

Re. Claim 47, it is rejected with same rational as claim 20.

Re. Claim 48, it is rejected with same rational as claim 21.

Re. Claim 49, it is rejected with same rational as claim 22.

Re. Claim 50, it is rejected with same rational as claim 23.

Re. Claim 51, it is rejected with same rational as claim 24.

Re. Claim 52, it is rejected with same rational as claim 25.

Re. Claim 53, it is rejected with same rational as claim 26.

Re. Claim 54, it is rejected with same rational as claim 27.

Claims 14-15, 19, 41-42 and 46 are rejected under 35 U.S.C. 103(a) as being *Hodson*, Grand & Toy's and *Fischer* (as applies to claims 12 & 40), and further in view of Lucas (PGPUB US 2001/0051905).

Re. Claims 14-15 and 19 Neither *Hodson* nor Grand & Toy's or *Fischer* explicitly discloses including the web site associating each order with a status byte indicative of whether the order is pending, cancelled, shipped full, shipped partial, back ordered, received full, received partial, refused full, or refused partial, step of the web site updating the order status byte in response to information received from at least one of vendors, buyers, couriers, and shippers.

However, Lucas discloses the inventory management stated above (Claims 14-15 and 19-26) [Abstract; paragraphs 0007-0019, 0026, 0029-0030, 0035, 0049-0058, 0069-0072, 0110 and 0121] to utilize web-enabled technologies to revolutionize inventory management by tracking inventory and automatically replenish the inventory when additional supplies are needed. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of *Hodson*, Grand & Toy's and *Fischer* and include inventory management features, as taught by Lucas, to atomize inventory management using web-enabled technologies such as Internet communication, URL and web-pages.

Re. Claim 41, it is rejected with same rational as claim 14.

Re. Claim 42, it is rejected with same rational as claim 15.

Re. Claim 46, it is rejected with same rational as claim 19.

Art Unit: 3628

Claims 16-18 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hodson*, Grand & Toy's, *Fischer* and Lucas as applies to claims 15 & 42 and further in view of Wong (US 6,115,690).

Re. Claims 16-18, neither *Hodson* nor Grand & Toy's, *Fischer* or Lucas explicitly discloses electronically debiting a buyer's bank account in response to at least one of the buyer placing an order and the buyer receiving an order, electronically crediting a vendor's bank account in response to at least one of the buyer placing an order from the vendor and the vendor shipping the order to the buyer, electronically crediting a vendor's bank account in an amount corresponding to at least one of the vendor shipping a partial order, the buyer receiving a partial order and the buyer refusing a portion of a shipped order, and electronically debiting a buyer's bank account in an amount corresponding to at least one of the vendor shipping a partial order, the buyer receiving a partial order and the buyer refusing a portion of a shipped order. However, Wong discloses these features [abstract; C1 L1-L50; C5 L54 to C6 L6; C6 L56-L63; C14 L16-L53; C33 L15 to C34 L61; C38 L22-L29] to utilize web-enabled technologies to revolutionize inventory management by tracking inventory and automatically replenish the inventory when additional supplies are needed. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures of *Hodson*, Grand & Toy's, *Fischer* and Lucas and add electronic debiting and crediting for purchasing and returning merchandise based on the status of the

Art Unit: 3628

purchase order and delivery, as taught by Wong, to provide improved integrated processing to automation of credit, debit and returns.

Re. Claim 43, it is rejected with same rational as claim 16.

Re. Claim 44, it is rejected with same rational as claim 17.

Re. Claim 45, it is rejected with same rational as claim 18.

Response to Arguments

1. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

PGPUB 20020147622 to Drolet et al, October 10, 2002 "System and method for enabling a configurable electronic business exchange platform" a systems and methods for providing a configurable electronic business exchange platform. More particularly, the present invention provides systems and methods for allowing organizations to receive, analyze and respond to real-time information from supply chain partners through the monitoring of configurable supply chain parameters.

Art Unit: 3628

TIG Brief, Sep/Oct 2001 "New WEB site speeds computer buying", The Inspector General. Washington: Sep/Oct 2001.Vol.53, Iss. 5; pg. 21, 1 pgs, discloses Electronic commerce and buying Computer peripherals for Military personnel using Web sites from approved vendors.

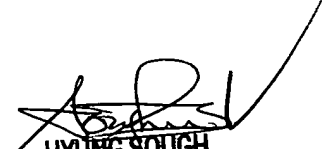
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

8/9/05


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600